

## **REMARKS**

The Office Action date July 24, 2009 was carefully considered. Claims 16-17, 20-21 and 24-25 were amended. Support for the claim amendments may be found in paragraphs 63-67 of the Specification. Reconsideration of the application is respectfully requested in view of the above amendments and following remarks.

### ***Claim Rejections under 35 U.S.C. §§ 102 and 103***

In the Office Action, claims 16, 18-20, 22-24 and 26-27 were rejected under 35 U.S.C. § 102(b) as being anticipated by Kato (U.S. Pat. 6,396,874). Claims 17, 21 and 25 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kato in view of Sugimoto (US Pub. No. 2001/0028608). The Applicant respectfully traverses.

It is noted that claims 16-17, 20-21 and 24-25 were amended to clarify the subject matter for which protection is being sought. To the extent that the rejections remain applicable to the amended claims, the Applicant traverses the rejections.

The Applicant submits that Kato and Sugimoto disclose error removal or/and error correction techniques. In Kato, since the errors are eliminated from the playback control information that was originally read from the storage medium (i.e., the corrected playback control information is used to play back the presentation (AV) information in the correct sequence), it is clear that the system does not follow the playback control sequence of the playback control data in which error has been detected, as recited in claims 16-17, 20-21 and 24-25 of the present application. In Sugimoto, as shown in Fig. 5A in conjunction with Fig. 1 and described in steps 504, 505, 507, when a read error occurs, an address in which the read error has occurred is identified. When it is

indicated that the error is impossible to be corrected, the read data is transferred from the address to the decoder 138 except for GOP (Group of Pictures). Therefore, Sugimoto also does not disclose the subject matter of claims 16-17, 20-21 and 24-25.

The Examiner seems to be correct in stating that since Kato and Sugimoto discuss correcting errors in the playback control data. It is obvious for a playback system not to follow the sequence of playback control data before an occurred error has been corrected. However, the present invention does not relate to an error correction but relates to an information playback apparatus characterized in that: when playback control data fails to be used (at this time, it is impossible even to perform an error correction, i.e., playback control data is wrong from the beginning), the playback apparatus operates to designate a playback sequence (i.e., to play back the data stored in an initial file of a data set, or to play back the data specified by a logical address at a time an error is detected), as recited in claims 16-17, 20-21 and 24-25.

Using the above feature of the present invention, it is possible to obtain the following advantages. Namely, when a user or the like uses an electronic apparatus containing an authoring software or having an authoring function and edits digital contents, even if the playback control data Dvtsi or the playback control data N contains wrong data, it is still possible to continue the playback of the presentation data Dpst without causing an abnormality in a playback operation and then stopping the playback.

In contrast to the present invention, Kato fails to perform a playback when the error correction and coding unit 5 fails to correct an error of the playback control data or when an error is originally contained in a playback control data stored in the disc 2.

Likewise, Sugimoto fails to decode the GOP data whose error failed to be corrected, so that the GOP data is not transferred to the decoder (i.e., it is not plaid back). Accordingly, Sugimoto fails to teach a playback apparatus of the present invention, which, at a time an error occurs in the playback control data, can designate a playback sequence without following the playback control data.

At least for these reasons, independent claims 16-17, 20-21 and 24-25 are patentable over Kato and Sugimoto, taken alone or in combination.

Claims 18-19, 22-23 and 26-27 depend from claims 16-17, 20-21 or 24-25, respectively, and are therefore patentable for the same reasons their base claims and further for the additional novel subject matter contained therein.

Based on the foregoing, the Applicant respectfully requests that the Examiner to withdraw the rejection of claims 16-27 under 35 U.S.C. §§ 102(b) and 103(a).

### ***Conclusion***

For all of the above reasons, it is respectfully submitted that claims 16-27 are in condition for allowance and a Notice of Allowability is earnestly solicited.

In the event that this paper is not being timely filed, the Applicants respectfully petition for an appropriate extension of time. Any fees for such an extension, together with any additional fees that may be due with respect to this paper, may be charged to Counsel's Deposit Account Number 01-2300, referencing Docket Number 107156-00345.

No fee is believed to be due for this submission. However, the Commissioner is hereby authorized to charge any fee deemed to be necessary to Deposit Account No. 01-2300 referencing client matter number 107156-00345.

Respectfully submitted,  
Arent Fox, LLP

A handwritten signature in black ink, appearing to read "Fainberg", written over a horizontal line.

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